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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,681	03/15/2002	Paul M. Fulton	GB 010165	4928

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
KOROBOV, VITALI A	
ART UNIT	PAPER NUMBER
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/099,681	FULTON ET AL.	
	Examiner	Art Unit	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 19-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 19-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO RCE

1. This Office Action is in response to an RCE filed on 11/06/2006. Claims 1-10 have been amended. Claims 11-18 have been cancelled. New claims 19-28 have been added. Accordingly, claims 1-10 and 19-28 are currently pending and have been examined in this Office Action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The Applicant's submission filed on 11/06/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 and 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent No. 6,587,835 issued to Treyz, hereinafter Treyz.

Regarding claim 19, Treyz teaches a method for communicating between a mobile device and a beacon device, comprising: providing interpretation data to the mobile device (38:38-46 - GPS maps are interpretation data); transmitting an alert signal to the mobile device (38:38-46 - proximity-based alerts), the alert signal being provided for prompting an alert message at a mobile device (38:38-46 - merchant's advertisements and the like); and generating the alert message based on the interpretation data in response to receiving the alert signal transmitted from the beacon device (38:38-46 - user location is determined based on interpretation data from GPS techniques or other location determination techniques, and the advertisement messages from a merchant in close proximity is displayed).

Regarding claim 20, Treyz teaches the method according to claim 19, wherein the interpretation data comprises sound or image files (38:38-46 - GPS maps are image files).

Regarding claim 21, Treyz teaches the method according to claim 19, further comprising a first group comprised of a plurality of beacon devices for wirelessly broadcasting data, wherein at least one of the beacon devices of the first group is arranged to provide the interpretation data to the mobile device to enable to interpret the signals from the beacon devices of the first group (2:28-36 - transmitters/receivers for location determination).

Regarding claim 22, Treyz teaches the method according to claim 21, further comprising a second group comprised of the beacon devices for wirelessly broadcasting data, wherein the mobile device is adapted to receive data from the first and second groups and wherein at least one of the beacon devices of the second group is arranged to provide the interpretation data to the mobile device to enable to interpret the signals from the beacon devices of the second group (2:28-36).

Regarding claim 23, Treyz teaches the method according to claim 21, wherein the at least one of the beacon devices of the first group is arranged to receive an identity of the mobile device (13:38-46 - remote "remote" communications, such as cellular telephone calls, require beacon devices to have the identity of the user's wireless receiver).

Regarding claim 24, Treyz teaches the method according to claim 23, wherein at least one of the beacon device of the first group comprises means for passing the identity of the mobile device to the other beacon devices of the first group (38:23-46 local messages sent based on the data provided to local beacons from the GPS system).

Regarding claim 25, Treyz teaches the method according to claim 23, wherein the identity of the mobile device comprises profile information (38:28-32 - sending messages particular to the user based on the identity information).

Regarding claim 26, Treyz teaches the method according to claim 23, wherein the other beacon devices of the first group comprise a filter to filter the alert messages based on the identity of the mobile device (48:28-32 - sending

messages particular to the user based on the identity information. Treyz also teaches filtering in 3:8-9).

Regarding claim 27, Treyz teaches the method according to claim 19, wherein the interpretation data comprises content for display during a connection procedure (2:32-37 and 11:24-27 – GPS location interpretation data may be displayed during a connection procedure).

Regarding claim 28, Treyz teaches the method according to claim 19, wherein the beacon device broadcasts using the Bluetooth protocol (13:29-32 – Bluetooth connection).

Claims 1-10 are rejected in view of the above rejection of claims 19-28. Claims 1-10 are essentially the same as claims 19-28, except that they set forth the invention as a system rather than a method, as do claims 19-28.

4. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

5. Applicant's arguments filed 05/19/2005 have been fully considered but they are not persuasive.

The Applicants argue – *"It is respectfully submitted that Treyz is inapplicable to the present invention, as recited in Applicant's claims. More*

specifically, Treyz fails to teach or suggest, among other things, Applicant's feature of "the alert signal being provided for prompting an alert message at the mobile wireless device," as recited in claim 1, for example. The examiner points to column 38, lines 25-37 in Treyz, where it is merely disclosed that:

> *"A user may wish to be provided with messages and other notifications while shopping. For example, a user may desire to be notified when a special offer is available. There are various types of messages that may be provided to the user, including proximity messages, local messages, notifications, reminders, e-mail, etc. Messages that are particular to the user may be addressed to the handheld computing device 12 using an e-mail addressing arrangement or any other suitable addressing scheme. Messages that are directed to all users (e.g., all users who are in communication with the local wireless transmitter/receivers in the mall or other establishment) may be sent without a particular destination address."*

The above portion of the patent only discloses various types of messages that are available to the user. It is respectfully submitted that the cited portion of the patent is not applicable to Applicant's claimed recitation. There is a lack of nexus in Treyz between an alert signal and an alert message, in contrast to Applicant's claimed feature. In fact, there is no mention of a signal at all in the portion of the patent relied upon in the Final Office Action."

The Examiner respectfully disagrees and refers the Applicants to the rejection of claim 19, providing specific references to parts of Treyz that teach alert signals. Treyz teaches that proximity based messages, for example, are transmitted to the user's mobile device wirelessly, and therefore are inherently transmitted using wireless signal. They are filtered and presented to the user as alert messages.

The Applicants further argue – *"In analyzing additional features of Applicant's invention as recited in claim 1, it is respectfully submitted that the examiner is factually wrong in relying on Treyz. The examiner indicates that in col. 9, lines 55-65 and col. 11, lines 24-27 Treyz teaches Applicant's feature of "the mobile wireless device generates the alert message based on the interpretation data in response to receiving the alert signal transmitted from the transmitter beacon device." Applicant respectfully disagrees, as Treyz is completely silent on the alert message being generated based on the interpretation data in response to the alert signal. Treyz merely discloses shopping lists, which cannot properly be analogized to Applicant's interpretation data. Nowhere does Treyz teach or suggest that the shopping lists are generated on the basis of an alert signal. In addition, nowhere does Treyz teach or suggest that the shopping lists are generated in response to the received alert signal. Hence, any analogy between Treyz' shopping lists and Applicant's above-recited feature is factually inaccurate.*

The Examiner respectfully points out that the above rejection does not rely on the shopping lists of Treyz. For example, in col. 2, lines 28-37 Treyz teaches as follows:

"The coverage of a number of local wireless transmitter/receivers may be arranged to overlap to form a wireless local area network. The location of the user may be determined by determining which local wireless transmitter/receiver the handheld computing device is in communication with. The location of the user may also be determined by using a GPS receiver associated with the handheld

computing device or by using network-based techniques such as triangulation and time-of-flight measurements when the user is in communication with an appropriate wireless network. Proximity-based messages that the user receives are based on determination of his location which in turn is based on the interpretation data received from local area network and/or a GPS receiver associated with the handheld computing device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

01/21/2007
VAK

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SUPERVISORY PATENT EXAMINER